

REMARKS

Amendments to claim 12, 29, 38, and 60 are for the purpose of clarifying what Applicant regards as the invention. Amendments to claims 25, 26, 57, and 59 are to correct antecedent basis. No new matter has been added.

I. OBJECTIONS TO THE DRAWINGS

The drawings stand objected to because the boxes should be labeled as to the elements that they represent. Applicant respectfully submits that the boxes in the figures are already labeled with reference numerals. Thus, Applicant requests that the drawing objections be withdrawn. To the extent that the Examiner maintains such objection, Applicant requests that the Examiner specifically identifies the alleged deficiency in the drawings so that Applicant can examine the basis of such objection.

II. CLAIMS OBJECTIONS

Claims 25-28, 44, 57, 59, and 60 stand objected to. Claims 25, 26, 57, 59, and 60 have been amended to remove the alleged deficiencies pointed out in the Office Action. Claims 27 and 28 depend from claim 26, and therefore, the objection to claim 27 is rendered moot. Claim 29, which is the base claim of claim 44, has been amended, thereby rendering the objection to claim 44 moot.

III. CLAIMS REJECTIONS UNDER 35 U.S.C. § 102

Claims 29, 32-33, 36-37, 40, 43, 45-47, and 66-67 stand rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Ogawa (U.S. Patent No. 6,278,760). Applicant respectfully notes that a claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

Claim 29 has been amended to recite that a bodily region includes a contrast agent. As noted in the Office Action, Ogawa does not disclose a contrast agent. Thus, Applicant respectfully submits that the amendment to claim 29 has rendered the § 102 rejection moot, and claim 29 and its dependent claims are believed allowable over Ogawa.

IV. CLAIMS REJECTIONS UNDER 35 U.S.C. § 103

Claims 1-2, 4-7, 10-14, 17-28, 30-31, 38-39, 44, 56-59, and 61-65 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Ogawa in view of Hughes et al. (U.S. Patent No. 4,432,370).

Claim 1 recites introducing a *contrast agent* into the body, generating a first set of image data using radiation at a first energy level after the contrast agent is introduced into the body, generating a second set of image data using radiation at a second energy level after the contrast agent is introduced into the body, and creating a *volumetric composite image* using the first and the second sets of image data (Emphasis Added). Claim 22 recites similar limitations regarding the contrast agent and the volumetric composite image. Applicant agrees with the Examiner that Ogawa does not disclose or suggest a contrast agent.

According to the Office Action, Hughes discloses contrast agent, and it would have been allegedly obvious to incorporate the contrast agent of Hughes into the system and method of Ogawa “in order to create a high fidelity picture of the entire circulatory tree” (p. 5 of Office Action). However, under the rulings of the *Supreme Court for KSR Int'l v. Teleflex, Inc.*, 127 S. Ct. 1727 (2007), the alleged problem must be known in the art (*Id.*, at 1742-1743). In this case, there is nothing in the record indicating that the system of Ogawa has any need to create “high fidelity picture of the entire circulatory tree.” Rather, Ogawa is concerned with eliminating bone images to highlight soft tissue (column 7, lines 41-43), which according to the teaching of Ogawa, is achieved without any use of contrast agent. Thus, one skilled in the art would not have combined Ogawa with Hughes in the manner purported in the Office Action.

In addition, Applicant respectfully notes that Hughes teaches determining a 2-D contrast image (not a volumetric image) of the body structure (Col. 4, Lines 49-54). Thus, the purported combination would at most result in one of the 2-D projection images of Ogawa being a 2-D contrast image, and would not result in a volumetric composite image (resulted from two sets of contrast images with different respective energies). Notably, even if the 2-D contrast image of Hughes is used to create a volumetric composite image in Ogawa, such volumetric composite image would not be a result of using *two sets of contrast images* with different respective energies, as described in the claims.

For at least the foregoing reasons, claims 1 and 22, and their respective dependent claims, are believed allowable over Ogawa, Hughes, and their combination.

Claims 1, 6-10, 14, 17, 19-21, 34-35, 39, 56-57, and 60-65 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Ogawa in view Acharya (U.S. Patent No. 6,922,462).

Claim 1 recites introducing a *contrast agent* into the body, generating a first set of image data using radiation at a first energy level after the contrast agent is introduced into the body, generating a second set of image data using radiation at a second energy level after the contrast agent is introduced into the body, and creating a *volumetric composite image* using the first and the second sets of image data (Emphasis Added). Claim 22 recites similar limitations regarding the contrast agent and the volumetric composite image. Applicant agrees with the Examiner that Ogawa does not disclose or suggest a contrast agent. According to the Office Action, Acharya discloses contrast agent, and it would have been allegedly obvious to incorporate the contrast of Acharya into the system and method of Ogawa “in order to view and analyze the soft tissue portion of non-calcified plaque” (p. 6 of Office Action). However, under the rulings of the *Supreme Court for KSR Int’l v. Teleflex, Inc.*, 127 S. Ct. 1727 (2007), the alleged problem must be known in the art (*Id.*, at 1742-1743). In this case, there is nothing in the record indicating that the system of Ogawa has any need “to view and analyze the soft tissue portion of non-calcified plaque.” Rather, Ogawa is concerned with eliminating *bone* images to highlight soft tissue (column 7, lines 41-43), which according to the teaching of Ogawa, is achieved without any use of contrast agent. Thus, one skilled in the art would not have combined Ogawa with Acharya in the manner purported in the Office Action. For at least the foregoing reasons, claims 1 and 22, and their respective dependent claims, are believed allowable over Ogawa, Acharya, and their combination.

CONCLUSION

If the Examiner has any questions or comments regarding this amendment, please contact the undersigned at the number listed below.

To the extent that any arguments and disclaimers were presented to distinguish prior art, or for other reasons substantially related to patentability, during the prosecution of any and all parent and related application(s)/patent(s), Applicant(s) hereby explicitly retracts and rescinds any and all such arguments and disclaimers, and respectfully requests that the Examiner re-visit the prior art that such arguments and disclaimers were made to avoid.

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Respectfully submitted,

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